POLITICAL AND MUNICIPAL LEGISLATION IN 1895.

The American States are so numerous that it is very difficult to keep abreast of legislation on any subject in them all. Moreover thoroughly to understand its significance one would need to be familiar with the laws of many years past, for a satisfactory description of current legislation should abound in references to previous laws. In a brief paper such as this, therefore, I can hope to touch only the more important and generally familiar phases. Yet on account of the complexity of our legislation a few of the facts presented may possibly have escaped the attention of some students; and at any rate it is perhaps worth while to group in one place the chief features of last year's legislation on questions of state and local government. For convenience the session laws of the various States are cited not by their precise title, which differs considerably among the States, but simply as "Laws," with the year of enactment. The information as to the adoption by the people of constitutional amendments was furnished by the Secretaries of State.

Suffrage.—By contrast with the great wave of electoral reform in 1889 to 1892, more recent legislation concerning elections is comparatively unimportant. One of the most interesting tendencies of late years, aside from the secret-ballot movement, is that toward more restricted suffrage. More steps in this direction were taken in 1894 and 1895 than for many years past.

The general reaction against aliens, which had for one of its first results the numerous laws (to which two* more were added in 1895) prohibiting non-resident aliens from acquiring real estate, is now leading to restrictions on their

*Cal. Laws 1893, J. R. 22, Constitutional Amendment adopted Nov. 6, 1894; Mo. Laws, 1895, p. 207.

voting. Before 1894 nearly half the States, chiefly in the West and South, allowed aliens to vote immediately or soon after declaration of intention to become United States citizens. Florida* in October and Michigan† in November, 1894, adopted constitutional amendments requiring full citizenship, while Minnesota‡ has submitted one to the people this November requiring naturalization three months before election. Montana, § which already requires citizenship, will vote at the same time on a provision that naturalization must be three months before election; and Texas, || much less radical, on one requiring the declaration of intention six months before election, instead of at any time before the very day.

Even more interesting is the tendency toward an educational qualification for suffrage. Five years ago only Massachusetts and Connecticut had such a requirement. The Mississippi constitution of 1890 prescribing such qualification went into effect in 1892. Maine adopted the requirement in 1893. Three more States have taken steps toward it in the past two years. California¶ adopted an amendment in November, 1894, requiring the voter to be able to read the constitution in English and write his name; the law does not apply to those now voters. Washington** will vote this fall on an amendment requiring ability to read and speak English; and Louisiana†† on one requiring either ownership of property assessed at $200 or over, or ability to read the constitution in one's native language. Connecticut‡‡ has moreover submitted to the legislature of 1897 an amendment that the required reading of the constitution shall be in English.

* Laws 1893, J. R. 2.
† Laws 1895, p. 612.
‡ Laws 1895, cap. 3.
§ Pol. Code of 1895, § 5200
|| Laws 1895, p. 227.
¶ Laws 1893, J. R. 4.
** Laws 1895, cap. 37.
†† Laws 1894, cap. 200.
‡‡ Laws 1895, p. 712.

If one may judge from the way other western legislatures have made haste to follow her example, woman suffrage in Colorado must be giving satisfaction. Kansas rejected woman suffrage in 1894; but Idaho* and California† have both submitted to the voters at the coming election amendments allowing it, and the legislatures of Nevada‡ and Oregon§ have submitted such amendments to their successors. In the East, Massachusetts, in strong contrast, has voted negatively by a heavy majority on the referendum as to the advisability of municipal suffrage for women.

Ballot reform.—The general secret-ballot movement has made its way somewhat more slowly in the Southern States, but nearly all have now fallen into line. Florida, which had already passed a law for Jacksonville in 1893, adopted one in 1895 for the whole State.‖ Georgia, North and South Carolina and New Mexico only remain without some form of the Australian ballot (although it is hard to judge from its terms whether the Louisiana law of 1894 really provides for it). In Florida formerly separate ballots were furnished by the parties themselves, and secrecy was further hindered by the use of seven or eight ballot boxes for different classes of officers. The new law has the usual provisions for official blanket ballots, booths for voters, etc. The names of candidates are arranged alphabetically under each office, a provision tending to disfranchise not a few in a State with so many illiterates. North Carolina¶ has adopted a general law consolidating and revising election procedure, but doing comparatively little in the way of reform. The only noteworthy changes are one providing for bi-partisan boards of election commissioners, and one requiring candidates to report election expenses.

* Laws 1895, p. 232.
† Laws 1895, J. R. 27.
‡ Laws 1895, J. R. 10.
§ Laws 1895, p. 612.
‖ Laws 1895, cap. 7 & 8.
¶ Laws 1895, cap. 159.

A few interesting amendments to the Australian ballot laws have been made. When these laws were first passed about half the States provided for alphabetic arrangement of candidates on the ballot, or otherwise required the marking of each one voted for. Vermont, South Dakota and North Dakota have since adopted the party-column or some other arrangement allowing readily the voting of "straight" tickets; and Washington* and Arizona† did the same in 1895. Washington had previously a party-column ballot, but required the separate marking of each name. Now the candidates are arranged under the names of the offices, following a uniform order according to party, but there is also in a separate place opportunity to mark a straight vote. Arizona has changed from the alphabetic to the party-column arrangement.

In New York the ballots of each party have heretofore been separate, and though secrecy was preserved by giving each voter one copy of each ballot, and though pasters and writing in of names were allowed, the natural tendency was toward straight voting. By a new law, unfortunately defective in some respects, a party-column blanket ballot is substituted.‡

Voting machines.—These have been winning their way more rapidly than ever in the past year. Up to 1895, Michigan and Massachusetts had allowed their use in local elections, and New York in any election; while Delaware had adopted a constitutional amendment allowing voting by other means than ballots, provided secrecy be preserved. During 1895 California§ and Nebraska‖ submitted similar amendments to be voted upon at the election of 1896, and Indiana¶ and Connecticut** submitted the same to the ensuing legislature. Michigan†† has adopted

* Laws 1895, cap. 156.
† Laws 1895, cap. 44.
‡ Laws, 1895, cap. 810.
§ Laws 1895, J. R. 8.
‖ Laws 1895, cap. 114.
¶ Laws 1895, cap. 151.
** Laws 1895, p. 712.
†† Laws 1895, cap. 85, 76.

identically the New York law of 1894, allowing the use of the Myers machine in all elections and regulating the procedure; and has also authorized the adoption of any other machine. Connecticut* has permitted and regulated the use of either the Myers or the McTammany machine in local elections.

Corrupt practices.—Legislation to secure purity in elections has also made rapid strides in 1895. It will be remembered that New York† passed in 1890 the first of the modern "corrupt practices acts." This law was far from complete; it contained fairly good definitions of such practices, but barely required reports of expenditures by candidates, with no limitation on the amount and with no regulations concerning political committees. Colorado‡ and Michigan§ adopted this law in 1891 almost word for word, adding, however, a requirement that party committees also report receipts and expenses. Massachusetts‖ came next in 1892, with a more elaborate and careful act, providing further that all expenditures on behalf of candidates (save a few personal ones of which, probably unwisely, no report was required) must be made through party committees, and regulating in detail the accounts and vouchers of such committees. Contests on grounds of corruption were provided for. California¶ and Missouri** in 1893 went further, the former limiting the total allowable expenditure by or for a candidate, and the latter his total expenditure directly or through committees. Reports both of candidates and committees were required. The California law was specially detailed and drastic. Kansas†† also passed a law like Missouri's, but without restricting expenditure.

* Laws 1895, cap. 263, 335.
† Laws 1890, cap. 94.
‡ Laws 1891, p. 167.
§ Laws 1891, cap. 190.
‖ Laws 1892, cap. 416.
¶ Laws 1893, cap. 11.
** Laws 1893, p. 157.
†† Laws 1893, cap. 77.

Thus up to 1895 seven States required reports of expenditures for elections. Six are now added to the list. Arizona * and North Carolina † have practically the New York law, the former including also the amendments of Colorado. Connecticut ‡ has enacted a law somewhat similar to that of Massachusetts, but much less minute in its regulations. Nevada § adopted California's act identically, except that a lower maximum of expenditure is fixed. Montana || with the Massachusetts law as a basis has added separate limitations on personal expenditures and on contributions of candidates. Minnesota ¶ has followed Missouri, with slightly larger maximums of expenses. The enumeration of legitimate expenditures is the most complete yet adopted, and I can not forbear quoting it:

1. For the personal traveling expenses of the candidate.
2. For the rent of hall or rooms for the delivery of speeches relative to principles or candidates in any pending election, and for the renting of chairs and other furniture properly necessary to fit such halls or rooms for use for such purposes.
3. For the payment of public speakers and musicians at public meetings, and their necessary traveling expenses.
4. Printing and distribution of lists of candidates or sample tickets, speeches or addresses, by pamphlets, newspapers or circulars, relative to candidates or political issues, cards, hand-bills, posters or announcements.
5. For challengers at the polls at elections.
6. For copying and classifying of poll lists.
7. For making canvasses of voters.
8. For postage, telegraph, telephone or other public messenger service.
9. For clerk hire at the headquarters or office of such committee.
10. For conveying infirm or disabled voters to and from the polls.

It is, of course, to be regretted that the last item of expense is not made a public charge. But the provision is

* Laws 1895, cap. 20.
† Laws 1895, cap. 159.
‡ Laws 1895, cap. 338.
§ Laws 1895, cap. 103.
|| Penal Code of 1895, § 80 ff.
¶ Laws 1895, cap. 277.

far ahead of that of New York* which has amended its law so as to allow the carrying of voters of any class to the polls at the expense of candidates.

Nominations.—Probably even more unsatisfactory than our earlier ballot system was, and still is in many cases, our system of nominations. Fortunately legislators are bestirring themselves somewhat to reform this also. Besides providing for the nomination of independent candidates by petition, several States have passed careful laws for regulating and purifying party primaries and caucuses. Massachusetts has perhaps advanced furthest. Her general caucus law of 1894, mandatory in Boston, was in 1895 amended so as to be more applicable to other towns and cities, in any of which a party may adopt it by vote, which must be taken on petition of fifty members of the party. This law† requires original nominations to be by petition. The names so proposed are submitted on blanket ballots to the voters at the primaries.

California‡ has adopted the most elaborate of existing laws on the subject, applicable to counties with over 50,000 population. Its most noteworthy feature is the selection of caucus officers by the county election board, and their payment at public cost. Primary election day is made a holiday. Detailed provisions are made for secrecy, but the blanket ballot is not introduced. Minnesota,§ Michigan,‖ Montana,¶ Washington** and Arkansas†† have also in the last year passed less detailed laws regulating primaries.

Legislature and State Officers.—Only six States still retain annual elections and sessions of the legislature. In two of these, Massachusetts and Rhode Island, the year 1895

* Laws 1895, cap. 885.
† Laws 1895, cap. 507; *cf.* 489.
‡ Laws 1895, cap. 181.
§ Laws 1895, cap. 276.
‖ Laws 1895, cap. 135.
¶ Political Code, 1895, § 1330 ff.
** Laws 1895, cap. 145.
†† Laws 1895, cap. 154.

witnessed movements for the substitution of biennial elections of State officers and legislature. The amendment proposed by the General Assembly of Rhode Island* was, however, rejected by the people last September. It was submitted in connection with a general article providing that the Lieutenant-Governor and no longer the Governor should preside in the Senate, allowing the division of cities for representation in the House, etc. Possibly this cumulation of measures contributed to the defeat. The question of biennial elections was, however, rejected once before, in 1892. The Massachusetts† amendment was proposed by the last legislature to that now in session.

Comment has often been made on the extent of the limitations placed by recent constitutions upon the legislature, the constitutions themselves covering many matters ordinarily considered as not properly fundamental in nature. It is interesting to note some exceptions to the tendency to increase this constitutional legislation. The Legislative Assembly of Nebraska‡ has evidently felt its limitations too burdensome, for it has proposed to the people this fall several amendments, allowing the legislature by a two-thirds vote to increase the number of judges of the supreme and district courts or to create new courts inferior to the supreme court, and by a three-fourths vote to create new executive offices. Moreover the legislature is allowed to change the salaries of the judges and chief officers, which are now fixed in the constitution, by two-thirds vote not oftener than once in four years. In this connection we may note the failure of the second attempt in Michigan to increase the ridiculously low salaries of the executive officers. An amendment for this purpose was declared adopted in 1893, but was rejected on recanvass, and another amendment submitted by the legislature of 1895 was defeated likewise.§ The salary of

* Laws 1895, cap. 1439.
† Laws 1895, p. 700.
‡ Laws 1895, cap. 108–12.
§ Laws, 1895, p. 612.

the State Treasurer still remains $1000, that of the Secretary of State, Attorney-General and Commissioner of the Land Office $800 each; and they receive no fees. Another attempt to slacken the rigidity of constitutional law has been made in Illinois.* The people will vote in November on an amendment allowing the General Assembly to propose amendments to three articles of the constitution at a single session and to the same article as often as once in two years. At present only one article can be changed at a session and the same article only once in four years. A somewhat similar amendment was rejected in 1892.

It is generally recognized that reform in methods of legislative procedure, especially as to private and local bills, is one of our most urgent political needs. The New York legislature of 1895 created a commission to recommend changes in legislative methods. † An excellent board was appointed, and in its report to the present legislature it favored some radical and commendable reforms. There is, however, much doubt whether any of them will be adopted.

County government.—In comparison with municipal government, that of counties attracts but little attention nowadays from the public or from legislators. One or two laws of 1895, however, make such marked changes that they should be recorded. North Carolina has hitherto retained the old English custom of giving large powers in county administration to the justices of the peace. They appointed the county commissioners and sat with them in deciding all important matters. The General Assembly ‡ has done away with this power entirely and relegated the justices to purely judicial functions. The three commissioners are elected by the people directly. A further curious provision is that whenever 200 voters petition for additional commissioners on the ground that otherwise there is danger of improper management, the district judge shall appoint two, holding for

* Laws 1895, p. 331.
† Laws 1895, cap. 1025.
‡ Laws 1895, cap. 135.

that term only, who shall be of different politics from the majority of the board.

In Nebraska, heretofore, the county governing board was composed of the supervisors of the townships. Each supervisor was also the chief executive officer of his township. County and township organizations were thus intimately connected. By a new law* seven supervisors are to be elected from districts quite independent of townships, while the chief executive power in the township is transferred to a board consisting of the clerk, assessor and justice of the peace. Washington, which previously had no provisions for township government, the county being the unit of local administration, has authorized† the adoption of township organization by any county on popular vote. The executive power in the township is vested in three supervisors. The division of the county has no effect on the organization of the county government, which is still administered by commissioners.

General municipal legislation.—Minnesota has probably done most in 1895 in the way of legislation for municipalities, unless perhaps it should yield the honor to Illinois and Chicago with their civil service reform law. The legislature of Minnesota has submitted to be voted upon at the coming election a constitutional amendment‡ providing for municipal home rule in the framing of charters, after the precedent of California. Whenever a new city desires to incorporate or an existing one to re-incorporate, the district court on petition must appoint fifteen freeholders of the city to draft a charter. This if adopted by the people becomes the law. This board is to be kept up permanently and may suggest amendments at any time. The legislature is authorized to pass only general laws paramount to such charters; these may be for cities of three classes—those over 50,000, 15,000 to 50,000, and under 15,000.

* Laws 1895, cap. 28.
† Laws 1895, cap. 175.
‡ Laws 1895, cap. 4.

Minnesota has likewise enacted a general law* for all cities hereafter incorporated, which may also be accepted by existing cities. This is the first general city law in the State since 1870, and though it is far from being a perfect charter, it is a marked improvement. Most of the larger cities are under special charters. The most noteworthy feature of the law is the composition of the council. This is to be a single house (several cities now have two houses), consisting of one alderman from each ward, and where there are less than six wards two aldermen at large, where six to ten wards four, and where over ten wards eight aldermen at large. The mayor's power is comparatively slight; he appoints the police and a few other officers, but most of them are appointed by the council. Only the mayor and treasurer are elected. The mayor can remove officers only with consent of the council and on formal charges and hearing. The law does not interfere to fix salaries, but leaves them to the council. The financial regulations are specially detailed. The council has the final appropriating power, but large advisory control is given to a board of tax levy consisting of the mayor, comptroller and president of the aldermen.

Michigan, which has had no general municipal legislation since 1873, has passed general laws for villages† and for cities under 10,000.‡ Not very important changes are made, however, and few provisions are of interest outside the State. In New York the eyes of the entire State were turned to the action of the legislature toward municipal reform, concerning which the dominant party had made large promises. Little, however, was done. The great problem of "Greater New York" was largely discussed but no bill passed, and though it is likely that some law will be enacted this year, its precise nature cannot be foretold. In any case the formulation of the charter will be entrusted to a committee or commission, and it will not be acted upon till 1897 or

*Laws 1895, cap. 8.
†Laws 1895, cap. 3.
‡Laws 1895, cap. 215.

later still. The question needs, of course, most thorough consideration. In case the union of Pittsburgh and Allegheny, authorized by the Pennsylvania General Assembly,* is actually accomplished, their experience should be interesting for comparison. The only important measure passed in New York was the power of removal bill for the metropolis.† The single or multiple heads of many departments there hold for longer terms than the mayor appointing them. Heretofore their removal could be made only by consent of the State Governor, on duly preferred charges. This led to division of authority and of responsibility. The mayor is now authorized within six months after coming into office to remove summarily any appointive officer. The legislature also of necessity passed laws to carry out the provisions of the new constitution allowing city authorities a provisional veto on bills affecting them. Unfortunately only a majority vote of the legislature is needed to override their disapproval, and the legislature of 1895 seemed much disposed to disregard local wishes. The State also created separate commissions ‡ to propose general legislation for cities of the second class (50,000 to 250,000) and the third class (under 50,000). They have reported bills to the present legislature, but it is questionable if important action will be taken this year on their recommendations.

Texas has adopted a measure requiring the councils of cities to be elected by the voters at large, though still from separate wards.§ The curious reason given for the law is that the constitution declares that in cities *each* elector may vote for "mayor and *all* other elective officers."

Municipal civil service reform.—The Illinois civil service law, which may be adopted by any city on popular vote, was accepted in Chicago by the splendid majority of 45,000, owing to the efforts of the Civic League. It is far the most

* Laws 1895, cap. 33, 34.
† Laws 1895, cap. 11.
‡ Laws 1895, cap 548, 1011.
§ Laws 1895, ch. 9.

strenuous and satisfactory law to be found in any American city or probably in any State. It is much better than the New York City system,* which does not apply to the army of street cleaners and other laborers, does not regulate in any way removals or promotions, and allows the appointing officer to select from the three candidates graded highest. In the Chicago system † practically all employes and officers are subject to its provisions. When a vacancy occurs the one highest candidate must be appointed on probation of six months, during which time he may be removed for cause with the consent of the city Civil Service Commission. Thereafter he may be discharged only on formal charges, and trial by the commission or its appointees. Laborers having proper qualifications are registered, and selected by lot when needed. Promotions must be only on competitive examination of those in the next lower rank. Stringent prohibitions on removals for political grounds, party assessments of office-holders and other corrupt influences, complete the law. Practically the same law was afterward adopted for Cook county.‡

Wisconsin § has likewise enacted a law requiring cities of over 40,000 to establish civil service commissions, but the regulations are rather indefinite and much is left to the discretion of the commissioners. It is to be hoped that they will act wisely.

Local indebtedness.—The movement to place legislative restrictions on local borrowing long ago reached a large proportion of the States, and others are gradually adopting them. New Hampshire ‖ in 1895 limited the net debt of all local subdivisions to five per cent of the assessed valuation. In cities the council may borrow by two-thirds vote; elsewhere a two-thirds vote of the people is necessary. Oregon ¶

* Report of Supervisory Board, etc., New York City Record, 1895, p. 997.
† Laws 1895, p. 85.
‡ Laws, 1895, p. 137.
§ Laws 1895, cap. 313.
‖ Laws 1895, cap. 43.
¶ Laws 1895, p. 611.

has proposed a constitutional amendment imposing the five per cent maximum on all local bodies; while the new general city law in Minnesota adopts the same limit for cities, except by two-thirds vote of the people. There is a general inclination to extend the limits for light and water purposes. The New Hampshire and Minnesota laws except such debts entirely, and South Dakota * will vote this fall on an amendment allowing any subdivision to borrow to the amount of ten per cent of its assessment, in addition to the present five per cent limit, for the purpose of providing water for irrigation or domestic use.

Franchises and municipal works.—Despite considerable agitation little has yet been accomplished by State law or municipal custom toward requiring more reasonable compensation for local franchises. Probably the new Missouri law † is the most general existing. No local authority can grant a street railway, light, water or other franchise, except on public auction to the bidder offering the highest percentage of gross receipts, which shall in no case be less than two per cent for five years, "and thereafter for each period of five years such percentage shall be increased to correspond with the increased value of the land thus occupied and used." New Hampshire, Vermont, Connecticut, Kansas and other States have passed laws affecting the location and safe-guarding of street railways, but none seem of very general importance. The consolidation of the Philadelphia transit companies authorized by the Pennsylvania legislature,‡ does not so far appear to have produced results very agreeable to the people of that city.

Laws in Wisconsin, Kansas, Missouri and Nebraska authorize cities to purchase existing plants or erect lighting works of their own, and to issue bonds therefor.§ The

* Laws 1895, cap. 35.

† Laws 1895, p. 53.

‡ Laws, 1895, cap. 42, 43, 44, 67.

§ Laws of 1895: Wisconsin, cap. 182, 294; Kansas, cap. 55; Missouri, p. 289, submitting constitutional amendment, election of 1896; Nebraska, cap. 13.

Wisconsin law is the only general one, the others applying to special classes of cities.

Numerous laws as usual have been passed regarding special city departments and activities, but no new principles have been introduced and a discussion of these provisions would lead us too far afield.

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New York State Library.
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